UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.2/1991/5/Add.2
28 June 1991

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Contemporary Forms
of Slavery
Sixteenth session
29 July - 2 August 1991
Items 4 and 5 of the provisional agenda

# PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

# REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information submitted by Governments, United Nations organs, specialized agencies and intergovernmental organizations

Note by the Secretary-General

Addendum

Information received from the International Labour Office

GE.91-12258/6603a

INTERNATIONAL LABOUR OFFICE

[19 June 1991]
[Original: French]

## 1. Child labour

1. Since the last ILO report, the Minimum Age Convention, 1973 (No. 138) has been ratified by two States (France: specified minimum age: 16 years; Mauritius: specified minimum age: 15 years), bringing the total number of ratifications to 40.

2. The ILO intends to make greater efforts to combat child labour; they will depend on the concerted utilization of all the resources available to it including technical cooperation, in support of the basic standards. Thus, an interdepartmental project on "The Elimination of Child Labour" seeks to promote ratification and broader respect for the international labour standards concerning child labour. More specifically, the programme has the following objectives:

(a) To enhance the capability of States members to prepare and implement policies and programmes that would make it easier for them to narrow the gap between legislation and national practices;

(b) To identify the options and strategies of principle and the practical measures which the ILO constituents would adopt in their campaign to combat child labour, including the elaboration of improved methods and instruments to enforce national legislation;

(c) To alert still further the States members of the ILO and the international labour community as a whole to the extent and consequences of child labour as well as to the obligations stemming from international labour legislation for each country.

3. In its resolution 1990/30, the Sub-Commission on Prevention of Discrimination and Protection of Minorities invited the Secretary-General to recommend to the International Labour Organisation to consider the possibility of holding a seminar or workshop on debt bondage, in relation to and coordination with other organizations and agencies of the United Nations system. Consultations on the organization of such a seminar or workshop are currently being held between the International Labour Office and the United Nations Secretariat; it should be possible to communicate more specific information to the Working Group during its sixteenth session or to the Sub-Commission at its forty-third session.

## 2. Developments with respect to specific situations in fields of concern to the Working Group

4. Brief descriptions are given below concerning developments in cases commented upon in 1991 by the Committee of Experts on the Application of Conventions and Recommendations.

(a) Bonded labour in India

5. The Committee of Experts recalls, in its 1991 observation on the implementation of the Forced Labour Convention, 1930 (No. 29), that the system of debt bondage was abolished in India in 1976, but notes that implementation of the legislation and in particular the number of identifications, releases and rehabilitations of bonded labourers has slowed down, as had been noted by a subcommission of the Parliamentary Advisory Committee to the Ministry of Labour. Further, with reference to the discussions that took place in the Working Group on Contemporary Forms of Slavery at its fourteenth and fifteenth sessions, the Committee of Experts requests the Indian Government to provide detailed information on the abolition of bonded labour in practice and more particularly on the role of the vigilance committees in identifying bonded labourers, on the implementation of the plan to secure the cooperation of voluntary agencies, on the rehabilitation programme and on the incorporation of this programme into other programmes to combat poverty, on the proposal made by the Anti-Slavery International for the Protection of Human Rights that a national committee on bonded labour should be set up. Emphasizing that under article 25 of the Convention, the illegal exaction of forced or compulsory labour shall be punishable as a penal offence and the Government must ensure that the penalties imposed by law are really adequate and are strictly enforced, the Committee of Experts requests the Government to provide detailed information on the proceedings instituted and the penalties applied.

6. The Committee of Experts refers in particular to the bonded labour of children: it has taken note of the reports of the Working Group at its fourteenth and fifteenth sessions which refer to information provided by Anti-Slavery International for the Protection of Human Rights concerning the exploitation of child labour related to debt bondage in the South Asian countries and set out in the report of the South Asian Seminar on Child Servitude, held in June-July 1989. This information relates to children who are compelled to perform many tasks in inhuman and dangerous conditions and states that debt bondage, force or coercion are features of almost all forms of child labour. The Committee of Experts notes that, in agriculture as in other sectors, according to estimates given in the report, several million children, aged from 5 to 14, are condemned to a life of drudgery in the agricultural sector, around one million in brick-making, quarrying and building, hundreds of thousands in carpet-weaving, hand loom weaving, the match and firework industry, glass making and the toy trade, the cutting and polishing of diamonds, as well as in metal work. Child bondage and the forced labour of children are accompanied by the trade in and kidnapping of children, punishment, beatings, sexual exploitation, deprivation of food, and excessive hours of work, deprivation of the freedom of movement, unhealthy and dangerous working conditions, rendering children liable to serious health problems. The Committee of Experts, recalling the aforementioned article 25 of the Convention, requests the Indian Government to provide detailed information on the measures taken or envisaged to abolish the exploitation of child labour.

(b) Debt bondage in Pakistan

7. The Committee of Experts had noted, in its 1990 observation on the implementation of the Forced Labour Convention, 1930 (No. 29) that, according to the above-mentioned report of the South Asian Seminar on Child Servitude,

there was large-scale exploitation of bonded labourers in Pakistan. After analysing three decisions handed down by the Supreme Court concerning enforcement of the fundamental rights of bonded labourers in the brick-kiln industry, it had expressed the hope that the necessary measures would be taken to eradicate forced and bonded labour in practice as well as in law, both in the brick-kiln industry and in other spheres of activity.

8. In its 1991 observation, the Committee of Experts notes the information provided by the Government to the Committee on the Application of Standards of the 1990 Conference to the effect that a decision had been taken to abolish bonded labour by means of a law which will guarantee total freedom to bonded labourers. Under this law, bonded labourers would be freed from any compulsory labour; the law would make provision for all contracts, customs, traditions, practices or agreements creating obligations for bonded labourers or their families, whether concluded or in force before or after the entry into effect of the law to be declared null and void. Moreover, any obligation on the part of the bonded labourers to repay a debt or part of a debt would be deemed to be extinguished. Infringements of the law would be punished by substantial fines and penal sanctions. Bonded labourers working after the entry into effect of the law would be paid at the standard rate and local surveillance committees would monitor the implementation of the law. The Committee of Experts expressed the hope that the Government will provide information on the measures taken in that regard.

(c) Bonded labour in Peru

9. The Committee of Experts in its 1991 observation concerning the implementation of the Forced Labour Convention, 1930 (No. 29) recalled that for a number of years it has requested the Peruvian Government to provide information on the working conditions of persons employed under the enganche system, which is a system of exploitation of indigenous labour manipulated so as to become indebted by means of advances furnished by the employer in the form of implements, meals or money to enable the worker to cut wood and, in theory, use it to pay off the initial debt and to maintain his family. Compelled in this way to repay an initial advance, to which interest is added, the workers are victims of the vicious circle of exploitation and poverty, permanent conditions of their lives. Noting allegations describing specific cases of this situation, the Committee expresses the hope that the Government will take the necessary measures to investigate the various situations reported and, if need be, impose the appropriate penalties, in accordance with article 25 of the Convention, and that it will provide detailed information of the measures taken.

(d) Slavery in Mauritania

10. In its 1991 observation concerning the implementation of the Forced Labour Convention, 1930 (No. 29), the Committee of Experts noted that the report of the Government did not contain any answer or information corresponding to the requests it had made. As in its previous observations, the Committee is concerned as to whether in practice slavery has been effectively abolished. It once again requests the Government to supply

detailed information on the measures taken or envisaged to implement the decisions to abolish slavery, the results achieved and the penalties imposed for failure to respect the provisions abolishing slavery.

(e) Exploitation of child labour in Thailand

11. In its 1990 observation concerning the Forced Labour Convention, 1930 (No. 29), the Committee of Experts, referring to its previous comments on the exploitation of child labour, considered that the information submitted by the Government on inspections carried out and action taken against employers for child abuse was somewhat limited in scope and the pecuniary sanctions applied not commensurate to the physical and moral harm incurred by the children in comparison with the benefits which an employer can expect to gain by the illegal use of child labour. The Committee recalled that under article 25 of the Convention, the Government must ensure that the penalties imposed by law are really adequate and are strictly enforced.

12. In its 1991 observation, the Committee, recalling its previous comments, took note of information provided by the Government to the Committee on the Application of Standards of the 1990 Conference on certain measures taken to preventing the sale and purchase of children and on the draft to review the law on the abolition of licensed brothels. The Committee of Experts requests the Government of Thailand to provide detailed information on the application and implementation of the various measures related to the implementation of the Convention, recalling that under article 25 of the Convention, Government must ensure that penalties imposed by law are really adequate and are strictly enforced.

(f) Employment in sugar-cane plantations in the Dominican Republic

13. In the comments it has made since 1984, concerning the implementation of the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts has drawn attention to the urgent need to take measures to ensure the observance of the Convention in sugar-cane plantations and to end the abuses committed against Haitian workers, in accordance with the recommendations made in 1983 by the Commission of Inquiry set up to examine the implementation of the Convention. The Commission of Experts referred to three groups of priority measures:

(a) The regularization of the status of Haitians who have lived and worked in the country for a given period of time and the issue of identity papers to persons born in the Dominican Republic;

(b) The regularization of the hiring procedure and residence in the country of workers entering the country to work on the sugar-cane harvest;

(c) Protection by the competent authorities of the rights and freedoms of workers, i.e., in particular, measures to prevent round-ups of persons for work in plantations and to ensure the implementation of labour legislation in plantations.

14. In its 1990 comments, the Committee of Experts expressed its extreme concern at the contradiction between the stated intentions of the Government regarding the measures it intended to take and the absence of any information indicating that real progress has been achieved in respect of the implementation of measures to ensure the observance of the Convention. For its part, the Committee on the Application of Standards of the seventy-seventh International Labour Conference, June 1990, noted with grave concern the continued failure over several years to eliminate serious deficiencies in the application of the Abolition of Forced Labour Convention, 1957 (No. 105) (as well as in the application of the Protection of Wages Convention, 1949 (No. 95)).

15. In its 1991 observation, the Committee of Experts takes note of the report submitted by the direct contacts mission which, at the request of the Government, visited the Dominican Republic from 3-21 January 1991. The Committee takes note with interest of the adoption of Decree No. 417/90 of 15 October 1990, the provisions of which relate to the regularization of the situation in the country of Haitian citizens, to the establishment, in the plantations, of special offices responsible for applying the labour contracts and for ensuring their strict observance and respect for the human rights of Haitian workers. Moreover, the aforementioned decree makes it incumbent upon the Ministry of State for Labour to inform the International Labour Office regularly about compliance with the provisions contained in the decree and in any text relating to the protection due to these workers.

16. The Committee of Experts notes with interest the legislative and administrative measures that have been taken in response to the various recommendations made by the Commission of Inquiry and the comments by the Committee of Experts whose practical application could result in notable progress in improving the situation of the Haitian workers. The Committee also notes the improvements that have occurred in respect of the demilitarization of the "bateyes", the decrease in round-ups and the use of better methods of transport.

17. The Committee of Experts notes, however, the persistence of problems which call for energetic and sustained action by the authorities. The Committee requests the Government to provide information on the steps taken to supplement and make effective those measures that relate to the regularization of the situation of Haitian workers entering the country to work on the harvest, of those who reside in the country permanently and the descendants of Haitian citizens born in the Dominican Republic, as well as the regularization of the hiring procedure. The Committee also requests the Government to provide information on any measure taken to ensure respect for the provisions of the labour contract and the rights and freedoms of workers, particularly freedom of transit, respect for physical and moral integrity and the freedom to terminate the labour relationship, as well as the implementation, in conditions of equality, of labour legislation.

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